

**City of Somerville
Licensing Commission**

**Senior Center
2nd Floor
Tufts Administration Building
167 Holland Street**

***DRAFT OF THE
Minutes of the Regular Meeting***

**Regular Meeting
Monday
June 10, 2019
6:00 p.m.
Published on June 13, 2019 at 6:00pm**

The meeting was called to order at 6:07pm. Present were Commissioners, Lynch, and Allen, Secretary to the Commission Lori Batzek and Lt. MacLaughlan a member of the Fire Dept., applicants and members of the public.

Absent were Commissioner McKenna and Sgt. Chaille a member of the Police Department

The meeting adjourned at 7:45pm

1. Minutes of May 20, 2019 Meeting
The Commission Approved these minutes

Communications

2. Chairman Lynch to release additional City Issued Alcohol Licenses, to be voted on at the June 10, 2019 Licensing Commission Meeting, for a July Advertisement Date.
The Commission voted to advertise 11 Alcohol Licenses in July, 2 (either All Forms or Wine & Malt) for Assembly Row, 5 All Forms for the Enhancement Area, 2 Wine & Malt for the Enhancement Area and 2 All Forms City Wide
3. Proposed Agenda items by Commissioner Allen:
 1. Propose a modification to Rule 1.07c. appending “, or advertised donation of revenue to nonprofit organizations”.
 2. Propose a modification to Rule 1.07d. appending
“Rule 1.07d. does not prohibit profit-sharing programs for which all employees are eligible. If a licensee has a profit-sharing program, a written copy of the

program rules must be made available to the Commission or its agents upon request.”

Commissioner Allen commented between when the rules were originally created and now, some additional business practices have come up. These rules were created because of a concern of unsavory control behind the scenes of liquor licenses. New things have happened to impact these rules. Additional Business Practice Examples: Employee profit sharing and donations of proceeds to nonprofit organizations. If the rules need to be enforced due to an unsavory behind the scenes control situation, the commissioner is concerned that someone may feel the commission is not following the rules. He also doesn't want someone who is a stickler for the rules to read these rules and believe they can't do this for a charity drive. Chairman Lynch stated he would like to bring some these archaic rules, at least into the 20th century.

The Commission has instructed the Secretary to refer this matter to the City Solicitor for review/comments, and would appreciate the comments of the commissioner, not in attendance at this meeting. The Commission will vote on these proposed modifications at the July Meeting

3a. 4 Public Communications pertaining to Retail Marijuana Licensure

The Commission and several other Departments, Senators and Representatives received 4 emails/letters of Concern from: Jennifer Dorsen, Edua Wilde, Kate Bigham and Sharon Rencsko. 5th email/letter was a duplicate (Sharon Rencsko).

Commissioner Lynch explained that there is a process in place to accept applications, by the City of Somerville. They are then vetted by the Mayor's Advisory Committee. The applicants will then be interviewed, and will be required to execute a Host Agreement. When that is complete, the applicant will then move on to the Zoning Board and the Licensing Commission. Passing all the municipal processes, the applicant will then go on to the Cannabis Control Commission (State Level), and either be approved or not. The Commission feels there are a lot of things which need to be addressed on this matter. Executive Director of OSPCD Mr. Proakis, City Councilor President Katjana Ballantyne and the City Solicitor are crafting a reply to these communications. The Chairman thanks all of the letter commenters.

The Commission has instructed the Secretary to place these letters on file

3b. The Catered Affair, Inc. notifying the Commission of an Event for approximately 3000 Guests, hosted by Partners Health Care, to be held at 399 Revolution Dr., on Thursday, June 13, 2019 from 2:00PM-5:00PM (Alcoholic Beverages served from The Catered Affair Caterer)

The Commission made a note of this Caterers 12C notification.

Special Alcohol License

4. The Somerville Police Department, 220 Washington St., requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the 7th Annual Collier Kickball Extravaganza to be held Outdoors at 1 Franey Rd. on Saturday, September 28, 2019 from 10:00am – 5:00pm
(PEL19-000099)
Jennifer Caranfa appeared for this application. Games will be played on the Athletic Field. Franey Rd. will be shut down and there will be no consumption of alcohol taking place on the Ballfield, only on Franey Rd. Wristbands will be checked by Police. Volunteers and some Police Officers will be serving, some are Tips Certified.
The Commission approved this Special Alcohol License
5. Triple F Pub, Inc. d/b/a The Pub, 683-686 Broadway, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the Ball Square Night Market to be held Indoors and Outdoors in and outside the Pub on Saturday, June 15, 2019 from 5:00pm – 10:00pm
(PEL19-000100)
David Radochia and Joseph Zoccola appeared for this application. Will serve beer from sliding glass door from inside the establishment. Greg Ghazil spoke from Somerville Flea – 3 bands and beer garden will be near the stage. Mayors Jazz and Blues Festival at Powderhouse Park on the same day. This is the same set up as Somerstreets. Beer Garden will be cordoned off and the establishment will be checking ID's
The Commission approved this Special Alcohol License
6. Brooklyn Boulders Somerville, 12A Tyler St., requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for the Out to Climb: Pride 2019 to be held Indoors in the Community Events Room on Wednesday, June 19, 2019 from 6:00pm – 10:00pm
(PEL19-000107)
Nicholas Medvescek appeared for this application. Beer will be served after the climbing event, not prior to the event. Approximately 150 people will be attending. Brooklyn Brewing will be delivering the beer.
The Commission approved this Special Alcohol License
7. Groundwork Somerville, 337 Somerville Ave, 2B, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Bar Stars to be held Outdoors in the Upper Level of Artisan Way Parking Garage (1 Artisan Way) on Thursday, July 11, 2019 from 6:00pm – 8:30pm
(PEL19-000108)
Melanie Scanlan appeared for this application. This is the 5th year for Bar Stars. There will be approximately 500 guests. Wristbands and ID's will be checked. Plans were submitted at this meeting. 10 Restaurants will supply samples of alcohol and food. A

cocktail competition will be held with judges. Will be applying for police & fire details this week

The Commission approved this Special Alcohol License

8. Indignant Brewing Co. LLC d/b/a Winter Hill Brewing, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Somerville Flea Night Market to be held Indoors and Outdoors in the Parking Lot at Winter Hill Brewing on Saturday, July 20, 2019 from 6:00pm – 10:00pm (PEL19-000112)

Jeff Rowe appeared for this application. This event is being held in conjunction with Somerville Flea. Applicant requests a change to the start time to 5:00pm. Lt.

MacLaughlan inquired as to who is sponsoring this event. Mr. Row stated it is the Somerville Arts Council. Lt. MacLaughlan also inquired if the event will be taking place in the Post Office's Parking Lot and if they had permission from the Post Office for this event. Mr. Row stated the Somerville Arts Council had received permission for this. The Chairman would like him to confirm permission with the Post Office. Lt. MacLaughlan stated there is a concern with blocking the entrance for emergency vehicles. There will be approximately 1000 people in attendance. The beer garden will be cordoned off. Lt. MacLaughlan stated there must be 18' clearance to access the private property in the back. Chairman Lynch requested the applicant send the details into the Secretary

The Commission approved this Special Alcohol License

9. Bow Market Entertainment, LLC, 337 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Bow Market Summer Event Series (A Very Bow Wedding Independence Day Bastille Day Somerfest Bacchanalia Vintage Market) to be held Indoors and Outdoors at 337 Somerville Ave. on Friday, June 21, 2019, Thursday, July 4, 2019, Sunday, July 14, 2019, Friday, July 19, 2019, Saturday, August 17, 2019 and Saturday, August 24, 2019 from 12:00pm – 10:00pm (PEL19-000114)

Matthew Boyes Watson appeared for this application. Approximately 120 guests for the wedding. Independence Day will be approximately 500 to 750. Bastille Day will be approximately 200 (picnics). Somerfest will be approximately 500 to 750. Bacchanalia is approximately 1500 to 2000. Vintage Market is approximately 1000 to 1500. Police and Fire will be contacted about Details. No issues to date on any events taking place at this establishment. Commissioner Allen requests total Special Alcohol Licenses issued to date, of the Secretary, to be provided to the commission. 2 Tips Certified employees and 2 Crowd Managers will be at the event. Chairman Lynch stated he does attend these special events and requested the trash barrels be emptied frequently, even though this matter is not under the purview of the Licensing Commission

The Commission approved this Special Alcohol License

10. Blue Revolution, 43 Kingston St. Apt. 1, requesting approval of a Special Alcohol License for the purpose of dispensing and/or selling alcoholic beverages for Blue Revolution Presents: A Screening of the First Two Democratic Presidential Debates to be held Indoors at Warehouse XI, 11 Sanborn Ct., on Wednesday, June 26, 2019 and Thursday, June 27, 2019 from 8:00pm – 11:00pm
(PEL19-000121)

Daniel McCool appeared for this application. Alcohol will be provided by Mr. McCool and he will purchase from an approved vendor. The Secretary will provide these lists. There will be a couple of Tips Certified people serving. Applicant will provide the Tips Certifications to the Secretary. Hoping for 100 to 150 people, but expecting 50 to 100. Daniel McCool is the head of Blue Revolution. They will card people at the door. Will be bringing a projector to the event.

The Commission approved this Special Alcohol License

Existing Alcohol License
City License
All Forms 7 Day Restaurant
Enhancement Area

Alteration of Premises

11. Pepe Bocca Italian Specialty Market, Inc. d/b/a Pepe Bocca, 414-418 Highland Ave. requesting approval for an Alteration of Premises to reduce indoor seating from 33 to 20 and to include a Bar with seating (16 seats on floor and 4 at bar). A wall was also installed to enclose 2 tables with 6 chairs.
(ALM19-000010)

Attorney Mangalick requested this application be placed on the June 10, 2019 Agenda at the request of her client – 5/17/19

Amending Alteration of Premises - Pepe Bocca Italian Specialty Market, Inc. d/b/a Pepe Bocca, 414-418 Highland Ave. requesting approval for an Alteration of Premises to reduce indoor seating from 33 to 32 and to include a Bar with seating (22 seats on floor, and 6 at bar). A wall was also installed to enclose 1 table with 4 chairs. Also includes 8 Outdoor seats and 4 Tables

(ALM19-000010)

Request received by Attorney Mangalick to amend this application. See floor plan. – 6/6/19. Awaiting clarification of total seats indoors.

Attorney Mangalick and Giovanni Maione (who arrived during this application discussion) appeared for this application. Attorney Mangalick stated the change in seating is due to 2 addresses at 412 & 414 Highland Ave., which should be combined. She also stated the occupancy should be 40 for the combined addresses. The current certificate of occupancy lists 20 occupancy (listed as 418 Highland Ave.). They are working with various City Departments, Jack Connolly and Jim Aurilio in ISD to make a

correction to the total occupancy. A discussion followed pertaining to a meeting between Lt. MacLaughlan, Jim Aurilio and Giovanni Maione on Thursday, June 6, 2019. This meeting was documented in an email sent to the Secretary. Mr. Maione was instructed to go to Engineering to combine the 2 addresses into 1. Once completed, he needs to have a set of plans to indicate his floor space for customers. There will be 2 sets of plans, with the second plan indicating a second bathroom. The number of bathrooms is based on the number of occupants. The combined legal address needs to be completed by Engineering and the two sets of plans which indicate the allowed occupancy, needs to be submitted before moving forward on this matter. Chairman Lynch asked the Secretary if this application is approved, would it be conditional on the seating arrangement approved by Engineering. The secretary's reply was yes. She also indicated that the floor plan submitted to the Licensing Commission and the Board of Health were different. She has not yet heard back from the Health Department about an updated floor plan. Attorney Mengalick stated the updated floor plan has not been submitted to the Health Department, but they will do so. Chairman Lynch stated this alteration of premises is conditional on all departmental sign offs. He also stated that the exact same plans need to be submitted to the Health Department, Engineering and ISD as was submitted to the Licensing Commission. Also, the address needs to be completed and Lt. MacLaughlan confirmed he received an email that this has been completed. He also asked if it was known when the wall was taken down for these addresses. Lt. MacLaughlan will check on this matter and report to the commission. Chairman Lynch would like a full record from ISD on these 3 addresses. The outdoor seating is on public property and Commissioner Allen would like to know if this has been granted by the City Council. The Secretary and Attorney confirmed this for 4 tables and 8 chairs. An application will be submitted to change their original hours, and to reopen the establishment (affidavit of hours of operation of zero, was previously submitted pertaining to this business being closed)

Lee Auspitz spoke on behalf of this applicant. He states the premises was combined in 1979 and Jack Connolly (unable to attend this meeting) can confirm this. Mr. Auspitz indicated 2 corrections to be made on the minutes for May 20, 2019, correct the street address to Highland Ave. instead of Broadway and add Personal to Health Issues. Mr. Auspitz questioned Lt. MacLaughlan's letter being added to Minutes and what month they were added to. The Secretary stated this was added to the May minutes, but she confirmed they were added to the April minutes. Mr. Auspitz stated that the Assessor's Office has this building listed as 418 Highland Ave. Mr. Maione thanked Lt. MacLaughlan for meeting with him and his father with Jim Aurilio. He also stated that Commissioner McKenna may remember this address being combined in the 70's

The Commission approved this Alteration of Premises

Existing Alcohol License
City License
All Forms 7 Day Restaurant
Assembly Row Area

Change of Officer/Directors/LLC Managers
And Change of Manager

12. Earl Restaurants, Inc. d/b/a Earls Kitchen and Bar, 698 Assembly Row# 102 requesting approval for a Change of Director from Stephen Andrews to Gabriel Katsimpas and a Change of Manager from Jason Sykes to Gabriel Katsimpas (ALM19-000012)

Attorney Scanlon requested this application be placed on the June 10, 2019 Agenda – 5/13/19

Attorney Scanlon and Gabriel Katsimpas appeared for this application. The previous Director and Manager are no longer with the company. Mr. Katsimpas has been in the restaurant industry for 10 years and at this particular restaurant since 1996 in the role as Assistant and General Manager and is familiar with the rules and regulations.

Chairman Lynch asked about hours of operation question with the application and asked Mr. Katsimpas what the hours of operation were. These hours differ from the License.

Mr. Katsimpas was instructed to file an amendment for the new hours will need to be submitted. Commissioner Allen asked what certification and training he has. His reply satisfied the commission.

The Commission approved this Change of Director and Change of Manager

Existing Alcohol License
City License
All Forms 7 Day Restaurant
City Wide Area

Change of Hours – Seasonal Only

13. Federal Wine & Spirits Belmont, Inc. d/b/a Field & Vine, 9 Sanborn Ct. (aka 251-255 Washington St.) requesting approval for a Change of Hours from: Mondays: Closed, Tue.–Sun.: 4pm-1am to: Mon: 6pm-1am, Tues.-Fri: 5pm-1am, Sat: 12pm (noon)-1am and Sun. 4pm -1am from July 8, 2019 to October 7, 2019 only. Will revert back to original hours on October 8, 2019 (ALM19000013)

*Sam Treadway appeared for this application. This is a seasonal change. The weekends are hopping. Has been at Field and Vine for 7 ½ years. There are 2 entrances, 7 Sanborn & 9 Sanborn. All under 1 license. 5 and 7 Sanborn are the same entrance, this is the entrance to Backbar. 9 Sanborn is the entrance to Field and Vine.
The Commission approved this Change of Hours – Seasonal Only*

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License and Entertainment by Devices & Performers License.

CITY WIDE Area
Chapter 142, Acts of 2016

Continued from May 20, 2019 Licensing Commission Meeting

14. Somerville Comedy Group LLC d/b/a Union Comedy, 434 McGrath Hwy requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – City Wide Area, a Common Victualler License and an Entertainment by Devices and Performers License
(AL19-000025)

*Attorney Vigorito , Sara Teague and Ben Scuria appeared for this application. An updated food and alcohol menu was submitted to the Secretary on June 4, 2019. The food menu was expanded by 4 items and snacks. The anticipated open is September or October pending ABCC and Building Department approval.
The Commission approved these All Forms Alcohol, Common Vcitualler and Entertainment by Devices a& Performers Licenses*

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Entertainment by Devices License, and Sunday Hours License

Enhancement Area
Chapter 142, Acts of 2016

15. OGinger Davis Square, Inc. d/b/a O’Ginger, 263 Elm St. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Enhancement Area, an Entertainment by Devices License and a Sunday Hours License
*Currently has a CV License and a Wine & Malt City License – Enhancement Area - AL17-000284
(AL19-000027)*
Attorney Kemp requested this application be placed on the June 10, 2019 Licensing Commission Meeting to comply with 3 day abutters notice – verbal request 5/16/19, email received 5/20/19

Attorney Kemp appeared for this application. She stated that her client originally applied for a Wine & Malt license because there were not many All Forms Alcohol Licenses available at that time. Additional Licenses have become available and customers are requesting cocktails and sangria. Other venues in the square offer similar cuisine and offer these requested items. Nothing else will change and the floor plan is the same. Will return the Wine & Malt License if approved. The Chairman requested that the Secretary confirm that the establishment has a food License, due to emails with the application.

The Commission approved this All Forms Alcohol, Entertainment by Devices and Sunday Hours Licenses.

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License, Entertainment by Devices License
and Sunday Hours License

Enhancement Area
Chapter 142, Acts of 2016

16. Joss Mgmt Co. d/b/a Jae's Café, 243 Elm St. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Enhancement Area, a Common Victualler License, an Entertainment by Devices License and a Sunday Hours License
Previously Meju – Enhancement Area - AL17-000284 – New Owners & New D/B/A (AL19-000028)
Attorney Scanlon requested this application be placed on the June 10, 2019 Licensing Commission Meeting to comply with 3 day abutters notice – 5/15/19
Attorney Scanlon, Gregory Cumings and Oscar Amaya appeared for this application. This restaurant will replace Meju in the same location. Operations are largely the same, no change in seating. There will be small changes to the menu. Will be open 11:30am to 11:00pm. She stated that this transaction has been going on for some time with several stops and starts with the previous owner, the signing of the lease and coming to terms, and it was a long process and a little messy. Attorney Scanlon is before the commission to ensure the records are in place and the application and sale of the business is appropriately and properly transferred. The new owners have a combined restaurant experience of 50 years. Chairman Lynch asked about the occupancy. Attorney Scanlon stated the applicant applied for 78 seats, this was what the old license stated. Attorney Scanlon was informed by ISD that Zoning only permits 75 seats. The application and floor plan were amended accordingly. Commissioner Allen inquired about the name change and who requested it. He also requested some information about the transfer of the business. Attorney Scanlon stated that she could not attest to that, and came in after the fact and that it was a little muddled and that the deal had changed. She states they were ill informed. The applicant is working ISD and the Health Department within a 24 hour timeframe to answer any inquiries they have. Chairman Lynch stated that once this

is approved, the old license would be turned back into the city and Attorney Scanlon indicated she understood. Lt. MacLaughlan stated an inspection needs to be done. The Commission approved this All Forms Alcohol, Entertainment by Devices and Sunday Hours Licenses.

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Entertainment by Devices & Sunday Hours License,

CITY WIDE Area
Chapter 142, Acts of 2016

17. Highland Cuisine Inc. d/b/a Highland Cuisine, 2 Highland Ave. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – City Wide Area, an Entertainment by Devices and Sunday Hours License
Currently has a CV License AL19-000007 (AL19-000029)
Stanley Falaise appeared for this application. Mr. Falaise states that this restaurant has been in operation since 1993. He has not previously had an alcohol license. Chairman Lynch asked him what training he has gone through. Mr. Falaise stated they have fresh juices and that this would basically be the same, and would require adding liquor to the juices. Commissioner Lynch asked Mr. Falaise if he is o.k. with serving alcohol at 10am. He agreed. Chairman Lynch stated the city had received communication that the establishment is not currently in good standing, there are outstanding Personal Property Taxes. Mr. Falaise stated he was unaware of this and was not given this information when he paid the water and real estate taxes in Treasury. The Secretary has not heard back from the Health Department or ISD pertaining to a request for any outstanding issues. Doug Kress stated the establishment has not had a food establishment license since July of 2018. He has stated that he has reached out and called several times, left messages, and stopped by on this matter, but has received no response. Chairman Lynch stated that these licenses are critical and another municipality could go in and shut the establishment down. Mr. Kress agreed. Mr. Kress stated he is working on cleaning up these matters. Chairman Lynch stated he was not inclined to approve this application with 2 outstanding issues. Mr. Falaise stated the business did not receive any notices of outstanding personal property taxes. Chairman Lynch asked him his position at the establishment. Mr. Falaise indicated he is the business manager. Commission Allen stated the Commission requires Tips Certification for an alcohol license. Chairman

Lynch stated he needed to take care of the Food Establishment License and pay the outstanding Personal Property Taxes.

The Commission continued this application to the July 15, 2019 Licensing Commission Meeting.

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License, Entertainment by Devices License,
Outdoor (Private Patio) and Sunday Hours License

ASSEMBLY ROW Area
Chapter 142, Acts of 2016

18. Assembly River Bar LLC d/b/a The River Bar, 661 Assembly Row requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Assembly Row Area, a Common Victualler License, an Entertainment by Devices, Outdoor (Private) Patio and Sunday Hours License
Currently has an All Forms – Assembly Row Area (Chap. 152, Acts of 2012), CV License AL17-000099 - Non Transferable License – New Owner, New License (AL19-000030) – New Owner, New License
Attorney Vigorito requests a Continuance on this application for the July 15, 2019 meeting. She is still awaiting a Letter of Intent for this application
The Commission duly Noted this matter

NEW Alcohol License
City License
All Forms 7 Day Restaurant License,
Common Victualler License and Entertainment by Devices License

Enhancement Area
Chapter 142, Acts of 2016

19. barra.bars, LLC d/b/a barra.bars, 23a Bow St. requesting approval for a NEW All Forms 7 Day Alcohol Restaurant License – Enhancement Area, a Common Victualler License and an Entertainment by Devices License (AL19-000031)
Sofia Ibarra and Yhadira Guzman appeared for this application. Sofia Ibarra helped with Celeste business. The establishment will have 12 seats and 10 standing. The hours of operation will be Mon-Fri 1pm-4pm & 5pm-12am, Sat 12pm-4pm & 5pm-12am & Sun 12pm-4pm. Ms. Ibarra has worked with Celeste for approximately a year.
The Commission approved this All Forms Alcohol, Common Victualler and Entertainment by Devices Licenses with the Amended Hours.